

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

RAUL ANTONIO TRINIDAD,

Plaintiff,

v.

Case No: 5:23-cv-28-TJC-PRL

**CVS HEALTH CORPORATION and
CVS PHARMACY, INC.,**

Defendants.

ORDER

Before the Court, upon referral, are *pro se* Plaintiff's motion for discovery and Defendant's motion to stay discovery pending the outcome of its motion to dismiss. (Docs. 33 & 34). Under Federal Rule of Civil Procedure 26(c), a pending motion to dismiss amounts to good cause for the issuance of a stay on discovery when "the potential harm associated with delaying the discovery process [is outweighed by] . . . the possibility that the motion to dismiss will be granted and obviate the need for discovery altogether." *Heghmann v. Hafiani*, No. 3:20-CV-670-BJD-JBT, 2021 WL 8775756, at *1 (M.D. Fla. Feb. 22, 2021) (citing *Gibbons v. Nationstar Mortg. LLC*, No. 3:14-CV-1315-J-39MCR, 2015 WL 12840959, at *1 (M.D. Fla. May 18, 2015)). Here, the balance favors granting a stay, as any delay in the discovery process is outweighed by the pending report recommending dismissal (Doc. 39),¹

¹ Previously, Plaintiff was given an opportunity to amend his complaint with the Court's adoption of the first report, recommending dismissal of his claims due the complaint being a shotgun pleading and for failure to state a claim upon which relief can be granted. (Docs. 20 & 25). Plaintiff filed an amended complaint (Doc. 28) and Defendant moved to dismiss that complaint. (Doc. 31).

based on the Court's lack of subject-matter jurisdiction over Plaintiff's claims against Defendant.

Accordingly, Defendant's motion to stay (Doc. 34) is **granted** until the issuance of a case management order, and *pro se* Plaintiff's motion for discovery (Doc. 33) is **denied as moot**.

DONE and **ORDERED** in Ocala, Florida on July 28, 2023.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Party